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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/068,052 04/29/98 KOIDE K 93198-000063

MMC2/0830

EXAMINER

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TON, M

ART UNIT

PAPER NUMBER

2871

DATE MAILED:

08/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/068,052	KOIDE, KIYOTAKA
<b>Examiner</b>	<b>Art Unit</b>	
MINH-TOAN T TON	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

1)  Responsive to communication(s) filed on 06/14/20

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-5 and 8-17 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some \* c)  None of the CERTIFIED copies of the priority documents have been:

1.  received.

2.  received in Application No. (Series Code / Serial Number) \_\_\_\_.

3.  received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e)

**Attachment(s)**

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.      20)  Other: \_\_\_\_\_

*Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the followings must be shown or the feature(s) canceled from the claim(s) : the connection portion of the wiring layer, the MIM or TFT element coupled between the connection portion and the pixel electrode. No new matter should be entered.

*Specification*

4. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

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- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) Background of the invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97-1.99.
- (e) Summary of the Invention.
- (f) Brief Description of the Drawing.
- (g) Description of the Preferred Embodiment(s).
- (h) Claim(s).
- (I) Abstract of the Disclosure.

5. The abstract of the disclosure is objected to because it contains more than one paragraph.

Correction is required. See MPEP § 608.01(b).

#### *Claim Objections*

6. Claim 1 is objected to because of the following informalities: --one of-- should be inserted before “said substrates” on line 4. Appropriate correction is required.

***Claim Rejections - 35 U.S.C. § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-2, 8-10 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujikama et al (PN 5719647).

Fujikama et al disclose and show in Figure 3 an active matrix liquid crystal display device comprising : a pair of substrates 7, 15; a liquid crystal layer 21 sandwiched between the substrates; a wiring layer having a connection portion 11 formed on at least one inner surface of one of the substrates; an insulating film 16 having a contact hole 10 formed on a surface of the wiring layer; a pixel electrode 9 connected to the wiring layer through the contact hole of the insulating film.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 4, 8-10, 13-14, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sasaki et al (PN 5084905).

See Figure 4C.

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10. Claims 1, 4-5, 9, 13, 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wakai et al (PN 5003356).

See Figure 14C, wherein the shield-insulating film 121 is made of a metal oxide material (col. 9, lines 16-18).

***Claim Rejections - 35 U.S.C. § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 11-12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujikama et al as applied to claims 1-2, 8-10 and 16 above.

Fujikama et al disclose a MIM device consisting the first conductive layer 7, the insulating layer 8 and the upper electrode 11 (i.e., the upper electrode is integrally formed with the wiring layer). It would have been obvious to one of ordinary skill in the art to form the upper electrode separately from the wiring layer since it has been held obvious to make things (elements) separable.

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***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Contact Information***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

August 22, 2000



Minh-Toan T. Ton  
Patent Examiner  
Technology Center 2800